

**UNITED STATES BANKRUPTCY COURT  
FOR WESTERN DISTRICT OF PENNSYLVANIA (Erie)**

In re:  TRI-STATE PAIN INSTITUTE, LLC,  <div style="text-align: right;">Debtor</div>	:	Case No. 20-10049 Chapter 11  Related Document No.: 769
<hr/> In re:  JOSEPH MARTIN THOMAS  <div style="text-align: right;">Debtor</div>	:	Case No. 20-10334 Chapter 11  Related Document No.: 521

**STIPULATION**

TIAA Commercial Finance, Inc. (“TIAA”), Tri-State Pain Institute, LLC (“Tri-State”), Joseph Martin Thomas (“Thomas”) and the Official Committee of Unsecured Creditors for Tri-State Pain Institute, LLC (“Creditors’ Committee”) (collectively, the “Parties”) have entered into this Stipulation (the “Stipulation”), this 22nd day of December, 2021.

WHEREAS, on October 7, 2021, Tri-State and the Creditors’ Committee filed their Joint Amended Chapter 11 Plan (Dk. 769) with the Court (the “Tri-State Joint Amended Plan”);

WHEREAS, on October 7, 2021, Thomas filed his Second Amended Plan (Dk. 521) with the Court (the “Thomas Second Amended Plan”);

WHEREAS, the Tri-State Joint Amended Plan and Thomas Second Amended Plan shall hereinafter be jointly referred to as the “Plans”;

WHEREAS, TIAA filed its Amended Proof of Claim # 14 on October 1, 2021 in Tri-State Pain Institute, LLC, Bankruptcy Case No. 20-10049 and its Amended Proof of Claim #8 filed on October 1, 2021 in Joseph Martin Thomas, Bankruptcy Case No. 20-10334 (“TIAA Claims”);

WHEREAS, the Debtors are seeking confirmation of the respective Plans; and

NOW THEREFORE, the Parties mutually agree as follows:

1. The TIAA Claims are by agreement deemed to be allowed general unsecured claims and Tri-State, Thomas and the Creditors' Committee agree not to object to the TIAA Claims.
2. TIAA agrees to cast its votes in favor of the confirmation of the Plans, with the understanding that there is no objection to the TIAA Claims within the applicable time periods provided for objections to Claims in the Plans or at law;
3. Provided that the Plans are confirmed, within thirty (30) days following the expiration of the applicable time periods provided for objections to the TIAA Claims in the Plan or at law, TIAA will dismiss without prejudice its pending suit entitled TIAA Commercial Finance, Inc. v. Tri-State Pain Institute, LLC, Joseph M. Thomas, M.D. and Greater Erie Surgery Center, LLC, Civil Action No.: 19-cv-00335 in the United States District Court for Western District of Pennsylvania, including all claims against the Greater Erie Surgery Center, LLC.
4. A telefax, email, photocopy or the like of the original signature shall be held as binding as the original.

*IT IS STIPULATED AND AGREED:*

DATED: December 22, 2021  
/s/ Gary V. Skiba, Esq.

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